

and/or strengths of adhesive for the different sides of the backing would have been obvious so as to better adhere to the intended surfaces and that the backing is applicable to carpets, rugs, or carpet tiles. The Examiner also states that the thickness of the backing is an obvious variant depending on the application surface, the carpet to be used, etc. Applicant respectfully disagrees.

Wyman discloses a rug underlay which includes a water impervious woven web of flat monofilament yarn with adhesives coated thereon. Wyman does not disclose, suggest, or render obvious Applicant's method for applying a carpet to a subfloor. The method disclosed in Wyman does not disclose the steps of providing a dimensionally stable sheet, placing the sheet on an existing subfloor, and then placing a carpet on the sheet as recited by the Applicant. The Examiner believes these steps are an obvious choice of sequence of steps. Applicant strenuously disagrees with the Examiner's conclusion. As explained in the Applicant's specification, for example, at page 6, lines 18-20, by placing Applicant's sheet on the existing subfloor, the existing subfloor becomes dimensionally stable and is impervious to movement which takes place on the carpet that is placed on top of the sheet. The underlay disclosed in Wyman, however, is not placed on the existing subfloor. Rather, the underlay is placed on a rug to be laid down on an existing carpet. This rug may be easily removed as needed. This method does not provide for the dimensional stability produced by Applicant's method. Therefore, the sequence of Applicant's steps are critical and are not merely an obvious design choice.

Applicant also disagrees with the Examiner's statement that the thickness of the backing is an obvious variant depending on the application surface. Again, as Applicant states in the specification, for example at page 6, and lines 5-10, the particular thickness of the backing is

important in functioning as a dimensional stabilizer. It is not an obvious variant as suggested by the Examiner.

The Examiner also rejects Claims 1-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Wyman in view of the SIGA brochure. The Examiner states that while Wyman primarily teaches applying a rug to a carpet, using a backing having a release sheet to mount a carpet to a floor is well known as evidenced by the SIGA brochure. The Examiner states that based on the teaching in the SIGA brochure, it would have been obvious to modify Wyman whereby the backing in Wyman is used to attach a carpet to a floor surface. Applicant again respectfully disagrees.

As discussed above, Wyman does not disclose Applicant's method. The SIGA brochure adds little, if anything to the teaching of Wyman. That is, the SIGA brochure discloses a method for installing carpet. While the brochure may teach the use of a backing with a release sheet where the backing is mounted to a floor, there would be no reason to combine this teaching with the teaching of Wyman. That is, Wyman discloses a method for mounting an underlay to a rug where the underlay is placed on the rug to be laid. The SIGA method, however, discloses placing a backing on a floor surface to be carpeted. There simply is no reason to modify Wyman which teaches a method for securing an underlay to a rug which may be repositioned or relocated as desired with the teaching of the SIGA brochure which discloses a method for installing carpet on a floor surface which is more of a permanent procedure. In fact, to modify the teaching of Wyman as suggested by the Examiner would destroy the reference in that Wyman is directed toward a rug which is laid on top of a carpet and can be easily repositioned or replaced. Using the method disclosed in the SIGA brochure in Wyman, would not allow the functions of Wyman

discussed above. Therefore, Applicant's invention as recited is not rendered obvious by these references.

The Examiner has rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Wyman in view of the Shaw Bulletin No. 82. The Examiner states that Shaw indicates that a backing sheet may be attached to existing carpets as well as new or existing concrete slabs. The Examiner further states that while it is considered that such is obvious, Shaw provides further evidence of such and applying the backing of Wyman to a concrete surface would have been obvious in view thereof. Applicant respectfully disagrees.

Wyman does not disclose or render obvious Applicant's claimed method as discussed above. The Shaw bulletin adds little, if anything, to the teaching of Wyman. The Shaw bulletin discloses a method for installing carpet which includes unrolling a roll of mesh onto a floor, removing the liner from the mesh, and then placing a carpet on the mesh. There would be no reason to combine the teaching of the Shaw bulletin with Wyman. As discussed above with regard to the SIGA brochure, the Shaw bulletin also discloses a method for installing carpet. To combine this teaching with Wyman which teaches securing an underlay to a rug where the rug may be repositioned or relocated would not be obvious. Also, it would defeat the ability of the underlay disclosed in Wyman to be repositioned or relocated.

The Examiner has rejected Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Wyman, either alone or in view of the SIGA brochure, and further in view of Murphy et al '910. The Examiner states that Murphy et al. disclose a backing sheet comprising various non-woven polymers, which indicates that a woven backing is not the only means by which the backing can be constructed. According to the Examiner, it would have been obvious to

modify Wyman to have such a backing as an obvious matter of choice of design. Applicant respectfully disagrees.

Wyman does not disclose or render Applicant's claimed method obvious for the reasons discussed above. The Murphy et al. reference does not add anything to the teaching of Wyman. That is, assuming that Murphy et al. has been properly combined with Wyman, Applicant's invention would not result. Again, Wyman discloses a method for mounting an underlay to a rug where the underlay is placed on the rug to be laid. Murphy et al. disclose a rug underlay comprising a fibrous non-woven substrate with a repellent finish which makes the substrate impervious to liquids. Combining these two references would not result in Applicant's method of applying a carpet to a subfloor. Furthermore, neither of these references discloses Applicant's claimed backing made from a spun-bonded, non-woven fabric with a thickness of approximately 8 mils. Neither is such a fabric an obvious design choice. As discussed above, the particular fabric and thickness of the backing is important to Applicant's invention in providing a dimensionally stable sheet.

In view of all of the foregoing, it is believed that this application is now in condition for allowance and an early action toward that end is most respectfully solicited.

Respectfully submitted,

FRANK PELOSI, JR.

By:

  
Norman E. Lehrer

Registration No. 26,561